

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	See form PCT/ISA/210
Applicant's or agent's file reference 32196.WEB.P110PC		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/EP2005/000939	International filing date (day/month/year) 31.01.2005	Priority date (day/month/year) 30.01.2004	
International Patent Classification (IPC) or both national classification and IPC H04L29/08, H04M1/2745, H04M1/725, G06F3/033			
Applicant COMBOTS PRODUCT GMBH & CO. KG			

<p>1. This opinion contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>
<p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of this opinion
	<p>1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p> <p>2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p> <p>3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p> <p>4. Additional comments:</p>

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																									
<p>1. Statement</p> <table> <tr> <td>Novelty (N)</td> <td>Claims</td> <td>2-4, 9-16</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1, 5-8, 17</td> <td>NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td></td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td>1-17</td> <td>NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td>1-17</td> <td>YES</td> </tr> <tr> <td></td> <td>Claims</td> <td></td> <td>NO</td> </tr> </table>			Novelty (N)	Claims	2-4, 9-16	YES		Claims	1, 5-8, 17	NO	Inventive step (IS)	Claims		YES		Claims	1-17	NO	Industrial applicability (IA)	Claims	1-17	YES		Claims		NO
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	Claims	1-17	NO																							
Industrial applicability (IA)	Claims	1-17	YES																							
	Claims		NO																							
<p>2. Citations and explanations:</p> <p>1. This opinion mentions the following documents (D) cited in the search report; the same numbering will be used throughout the procedure:</p> <p>D1: US 6 404 438 B1 (HATLELID KRIS E ET AL.) 11 June 2002 (2002-06-11)</p> <p>D2: US 5 880 731 A (LILES ET AL) 9 March 1999 (1999-03-09)</p> <p>D3: US 5 347 306 A (NITTA ET AL) 13 September 1994 (1994-09-13)</p> <p>2. Regardless of the lack of clarity mentioned below, the subject matter of independent claims 1 and 17 is furthermore not novel within the meaning of PCT Article 33(2), which means that the requirements of PCT Article 33(1) have not been met.</p> <p>2.1 Document D1, which is considered the closest prior art, discloses (the references between parentheses relate to this document):</p> <ul style="list-style-type: none"> - a method for telecommunication between at least two users via a telecommunication network, where the first user is connected to the telecommunication 																										

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network via a first terminal and the second user is connected to the telecommunication network via a second terminal (column 5, lines 54-58), and where each user has an associated virtual representative (column 6, lines 12-18), having the following steps:

- the two representatives are shown on the first terminal and on the second terminal (column 6, lines 12-18);
- a piece of information is transmitted from the first user to the second user and vice versa by animating at least one representative and by means of interaction between the representatives (column 5, lines 26-35; column 6, lines 29-33; column 7, lines 38-41).

The features of **claim 1** are therefore not novel.

- 2.2 Documents D2-D3 also disclose the features of claim 1.
- 2.3 The subject matter of **claim 17** contains the same features as claim 1 worded for a system. The line of argument presented in 2.1 and 2.2 above therefore also applies to claim 17. The features of claim 17 are therefore not novel.
3. The features specified in **dependent claims 2-16** also add nothing novel or inventive to the subject matter of claim 1 (PCT Article 33(2) - (3)). These features can either be derived directly from the aforementioned prior art or are the standard measures which do not go beyond normal technical

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knowledge.

- 3.1 Analysis and interpretation of the user's gestures and also the animation of a representative in conformity with the meaning of the voice or text input or of the gestures are already known from citation D1 (cf. particularly column 8, lines 2-16; column 9, lines 33-35). The features contained in dependent **claims 5 and 6** therefore add nothing novel to the subject matter of claim 1.
- 3.2 The features of claims 2-4, 7-16 contain only implementation details and cannot be considered inventive.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. The present application does not meet the requirements of PCT Article 6 because the subject matter of several claims is not clear.

1.1 Claim 1:

- The phrase "a virtual representative" leaves the reader uncertain as to the meaning of the technical feature in question. Even with the aid of the description, it is not possible to define the meaning of this phrase because the description provides the contradictory interpretations:

Page 3, line 22: "The representatives are thus also small communication control programs".

Page 4, line 20: "This is a graphical wildcard which represents the respective user". Should the last interpretation be used, the meaning of "the two representatives are shown" is not clear, or else the distinction between these two features.

1.2 Claims 1, 6, 8, 12 *inter alia*:

- The phrase "animating at least one representative" leaves the reader uncertain as to the meaning of the technical feature in question. This term may be understood either as "prompting" or else "changing the graphical representation" (description, page 5, lines 1-3).

1.3 Claims 5, 8, 9, 10:

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- The phrases "*and/or with the further step ...*" and "*and/or where ...*" are not admissible. They define independent and alternative steps which should be defined in separate claims.